

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

June 4, 2013

In the Matter of ROBINSON, Minors.

No. 312368

Wayne Circuit Court

Family Division

LC No. 05-443132-NA

Before: STEPHENS, P.J., and SAWYER and METER, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating her parental rights to the four minor children. Respondent's parental rights to her three oldest children were terminated pursuant to MCL 712A.19b(3)(c)(i) and her parental rights to the youngest child were terminated pursuant to MCL 712A.19b(3)(g), (j), and (i). We affirm.

Respondent does not challenge on appeal the trial court's findings of statutory grounds to terminate her parental rights. Instead respondent challenges only the sufficiency of the evidence for the trial court's finding that terminating her parental rights was clearly in the children's best interests. Once a statutory ground for termination is found, the trial court must terminate parental rights if, based on the whole record, the court also finds that it is clearly in the children's best interests to do so. MCR 3.977(E); MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). This Court reviews parental termination decisions, including the finding regarding the children's best interests, for clear error. *In re Rood*, 483 Mich 73, 90-91, 126 n 1; 763 NW2d 587 (2009); MCR 3.977(K).

The conditions that led to petitioner's initial intervention were respondent's inadequate parenting skills and substance abuse. Respondent gave birth to her first child in 2005 when she was 14 years old and a permanent court ward. She was using drugs, was unable to provide for herself or the baby, and was receiving services. Respondent gave birth to three more children in 2008, 2011, and 2012. From August 2005 to August 2012, respondent was ordered to participate in and benefit from services provided by petitioner pursuant to a treatment plan. Her treatment goals were to acquire appropriate parenting skills and emotional stability, along with obtaining and maintaining adequate housing and a legal income. Additionally, respondent was to lead a lifestyle free of substance abuse and domestic violence. Provided services included: parenting classes, individual therapy, substance abuse therapy, random drug screens, psychological evaluations, infant mental health assistance, clothing allowances, housing referrals,

transportation assistance, employment resources, domestic violence counseling, and supervised parenting time.

The trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. The proofs clearly showed that respondent had not complied with or benefited from her treatment plan. At the time of the best-interest hearing, respondent did not have any legal income or suitable housing. She had been chronically unemployed throughout the case proceedings. Respondent claimed that she was to start a new job on the day of the hearing but did not provide any verifying documentation. Except for a brief two or three-month period, respondent was unable to obtain and maintain suitable housing. She was living in a shelter at the time of the termination hearing.

Dr. Mills, the psychologist who evaluated the family in 2011 and 2012, opined that termination was in the children's best interests. During the April 2012 evaluation, respondent admitted that she continued a romantic relationship with Cunigan, the father of the younger three children, despite their past domestic violence issues. After Cunigan's release from jail on domestic violence charges, they resumed living together. Cunigan did not complete domestic violence counseling, and, according to respondent, he continued to use marijuana and alcohol, which made him "madder." Dr. Mills reasonably concluded that respondent intended to remain in a relationship with Cunigan indefinitely. Overall, Dr. Mills opined that respondent was unable to provide the children with the stable and nurturing environment that they deserved. Further, Dr. Mills found that there was no significant bond between respondent and the children who had not been in her care for most of their young lives. Dr. Mills described her observed interactions between respondent and the children as chaotic and testified that the children demonstrated no distress when they separated from respondent.

The case worker also opined that it was in the children's best interests to terminate respondent's parental rights even though she had recently begun individual therapy, domestic violence classes, and had enrolled at a local community college. They had been in foster care most of their lives and needed permanency. The case worker testified that respondent had not benefited from previously provided services. Respondent had never been able to take care of herself and had moved frequently. Additionally, the youngest child had special medical needs that required extensive 24-hour care.

The trial court, after considering a plethora of evidence, properly concluded that the children needed permanency that respondent was unable to give within the foreseeable future. Reading the extensive record that spans more than seven years, we are not left with a definite conviction that a mistake had been made in finding that the children's best interests warranted terminating respondent's parental rights. To the contrary, the proofs sadly show that respondent squandered the trial court's well-intended "second chances" that were provided to her because of her young age and circumstances.

Respondent argues that she substantially complied with her case treatment plan. This argument ignores a large body of evidence that she failed to make any meaningful progress in ameliorating the conditions that led to petitioner's intervention. Respondent contends that she had attempted to end her relationship with Cunigan by obtaining a personal protection order against him. This claim is also unpersuasive in light of the undisputed evidence that respondent,

after completing domestic violence counseling, later voluntarily rescinded the personal protection order, moved in with Cunigan, and bore his third child. Respondent argues that the trial court did not properly consider that, at the termination hearing, Cunigan offered to voluntarily terminate his parental rights if it would mean that respondent would be given another chance with her children. This argument is groundless. Respondent was told repeatedly for more than two years that she had to separate herself from Cunigan, and she was provided with services in order to do so. At the termination hearing, respondent readily admitted that she understood that her children would not be returned to her if she remained with Cunigan. The evidence showed that respondent had a complete lack of insight into her poor judgment, which would continue to put her children at risk. There was sufficient proof that respondent maintained an extremely domestically violent and dangerous relationship with Cunigan and, and as Dr. Mills opined, that she would likely choose similar partners in the future.

Affirmed.

/s/ Cynthia Diane Stephens

/s/ David H. Sawyer

/s/ Patrick M. Meter